

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In re:

NINETY FIFTH STREET SQUARE INC.,
Debtor.

Chapter 7
Case No. 17-12270 (SCC)

-----X
**[PROPOSED] ORDER, PURSUANT TO RULE 2004 OF THE FEDERAL RULES OF
BANKRUPTCY PROCEDURE, AUTHORIZING AND DIRECTING THE
PRODUCTION OF DOCUMENTS BY, AND EXAMINATION OF JOSHUA
BRONSTEIN, ESQ.**

Upon the application, dated August 27, 2018, and the exhibits annexed thereto (the “Application”), of Salvatore LaMonica, the Chapter 7 Trustee (the “Trustee”) of the estate of Ninety Fifth Street Square Inc. (the “Debtor”) for the entry of an Order, pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), directing and compelling Joshua Bronstein, Esq. (“Bronstein”) to produce certain documents to the Trustee concerning the acts, conduct, property, liabilities and/or financial condition of the Debtor and/or any other matters which may affect the administration of the Debtor’s estate as more fully set forth in the Application; and upon the status conference held on September 13, 2018 during which time the Court inquired as to the willingness of the United States Trustee (“United States Trustee”) to review the production of documents and conduct the examination pursuant to the Application; and upon an opposition by Bronstein to the Application filed on September 14, 2018; and upon a hearing on Bronstein’s application to withdraw as the Debtor’s counsel held on November 5, 2018 at which hearing the relevance of his compliance with the Application was addressed, and upon all of the pleadings and proceedings had before this Court; and after due deliberation and sufficient cause appearing, it is hereby

ORDERED, pursuant to Bankruptcy Rule 2004, that Bronstein be and hereby is directed to produce to the United States Trustee, at the United States Department of Justice, Office of the United States Trustee, 201 Varick Street, Suite 1006, New York, NY 10014, the following documents in its possession, custody and/or control:

- (i) Copies of all documents and/or communications, including, without limitation, memoranda, letters, emails, text messages, and voicemails, with any individual or entity relating in any manner to the real property located at 273 East 95th Street, Brooklyn, New York 11212 (the "Property"), including, without limitations, mortgage statements, appraisals, leases, violations, contracts for sale, offers for sale, etc.;
- (ii) Any and all books and records of the Debtor, including, without limitations, bank statements, financial documents, records of past rents collected, tax returns, etc.;
- (iii) Copies of all documents and/or communications, including, without limitation, memoranda, letters, emails, text messages, and voicemails, with any individual or entity relating to the Debtor, including, without limitations, books and records, financial documents, bank statements with copies of checks, tax returns, evidence of liabilities, etc.;
- (iv) Copies of all documents and/or communications, including, without limitation, memoranda, letters, emails, text messages, and voicemails, with any individual or entity relating to any bankruptcy affecting the Debtor or the Property, including but not limited to: (a) Case No. 15-14702-MBK filed by Nelkenbaum in the Bankruptcy Court for the District of New Jersey; (b) Case No. 16-41652-ess filed by Eli Kass in the Bankruptcy Court for the Eastern District of New York; (c) Case No. 16-13495-scc filed by Nedel Lionel in the Bankruptcy Court for the Southern District of New York; (d) Case No. 17-12270 filed by the Debtor in the Bankruptcy Court for the Southern District of New York; and (e) Case No. 18-40885-ess filed by Nedel Lionel and Simchah Toiv;
- (v) Copies of all documents and/or communications, including, without limitation, memoranda, letters, emails, text messages, and voicemails, with any individual or entity relating to Al Zanzuri, Yehuda Nelkenbaum, Gerald Slotnick, Aaron Feinberg, Craig Stuart Lanza, Eli Kass, Nedel Lionel, and/or Simchah Toiv;

- (vi) Copies of all documents and/or communications, including, without limitation, memoranda, letters, emails, text messages, and voicemails, with any individual or entity relating to the action commenced by the Debtor in the Supreme Court of the State of New York, denominated index no. 505421/2018;
- (vii) Copies of all documents executed in connection with this or any other bankruptcy case of the Debtor, including, without limitation, engagement letters, retainer agreements, petitions, etc.;
- (viii) Copies of all documents filed in or related to any other voluntary or involuntary bankruptcy cases or state court cases commenced by Bronstein, or in which Bronstein performed legal services, on behalf of or in relation to Al Zanzuri, Yehuda Nelkenbaum, Gerald Slotnick, Aaron Feinberg, Craig Stuart Lanza, Eli Kass, Nedel Lionel, and/or Simchah Toiv, and/or any entity controlled, operated, or owned by any of the foregoing individuals;
- (ix) Copies of all documents filed in or related to any cases commenced in any federal court, including bankruptcy court, or state court in which Bronstein represented a party or performed legal services and Gerald Slotnik and/or Craig Stuart Lanza also represented a party or performed legal services.

and it is further

ORDERED, that Bronstein shall appear for an examination under oath by the Trustee pursuant to Bankruptcy Rule 2004 relating to the acts, conduct, property, liabilities, and/or financial condition of the Debtor, or any other matters which may affect the administration of the Debtor's estate and any and all related matters; and it is further

ORDERED, that Bronstein be, and hereby is, directed to produce to the United States Trustee at the United States Department of Justice, Office of the United States Trustee, 201 Varick Street, Suite 1006, New York, NY 10014, for examination and copying, any documents subsequently requested by the United States Trustee as a result of information obtained from documents produced; and it is further

ORDERED, that aforesaid production of documents by, and examination of Bronstein, shall be compelled pursuant to the issuance and service of subpoenas under Rule 45 of the Federal Rules of Civil Procedure, made applicable to bankruptcy cases by way of Bankruptcy Rule 9016; and it is further

ORDERED, that service of this Order and the subpoena upon Bronstein by first class mail, shall be deemed good and proper service of this Order and the subpoena.

Dated: New York, New York
November __, 2018

HONORABLE SHELLEY C. CHAPMAN
UNITED STATES BANKRUPTCY JUDGE